IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12335 of 2004

Between:

M.Venkateswar Rao S/o M.Krishna Rao
Raju Colony, Balanagar, Hyderabad

..... PETITIONER

AND

1 The Deputy Commissioner of Labour, Anjaiah Bhavan, RTC X Road, Hyderabad -20
2 The Management, NRB Bearing Limited
IDA, Uppal, Hyderabad -39

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing show cause notice cum-charge sheet dt. 02/03/2004, as illegal, arbitrary, and against the principles of natural justice.

Counsel for the Petitioner: MR.N.MUKUNDA REDDY, Advocate

Counsel for the Respondents: GP FOR LABOUR

The Court, at the admission stage, made the following :

HONOURABLE SRI JUSTICE K.C.BHANU

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W.P.No.12335 of 2004

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ORAL ORDER:

Questioning the action of the 2nd respondent in issuing show cause notice-cum-charge sheet, dated 2.3.2004, this writ petition is filed.

The grievance of the petitioner is that an outsider to the 2nd respondent-organization was appointed as an Enquiry Officer, who issued charge sheet to the petitioner and it is not in accordance with Certified Standing Orders of the 2nd respondent.

The learned counsel for the petitioner contended that an outsider to the 2nd respondent-organization was appointed as an Enquiry Officer to conduct the enquiry, which is against the Certified Standing Orders. Hence, he prays to quash the impugned proceedings, dated 2.3.2004.

Heard the learned counsel for both the parties. At their request, the main writ petition is taken up for disposal.

As seen from the Certified Standing Orders 25(C) (i) of NRB Bearings Limited, Hyderabad, *"if a major misdemeanour is alleged against a workman, the management before taking any action against the workman will hold an enquiry by an officer or officers appointed for the purpose".* That does not preclude the disciplinary authority to appoint an Enquiry Officer, who is not an employee of the 2nd respondent-organization. Therefore, in my opinion, the impugned proceedings are completely in accordance with the Certified Standing Orders of the 2nd respondent. There are absolutely no grounds to interfere with the impugned show cause notice-cum-charge sheet,

dated 2.3.2004 and this writ petition is devoid of any merit and is liable to be dismissed.

Accordingly, the writ petition is dismissed at the admission stage. In the circumstances, there shall be no order as to costs.

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(K.C.BHANU,J.)

16th July, 2004

bcj/mvb

To

1 The Deputy Commissioner of Labour, Anjaiah Bhavan, RTC X Road, Hyderabad -20
2 The Management, NRB Bearing Limited IDA, Uppal, Hyderabad -39

3 Two C.Cs to Government Pleader for Labour, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies